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*- Attorneys at Law -*

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November 7, 2019 - ECF

Hon. Cathy Seibel  
United States District Court – SDNY  
300 Quarropas St.  
White Plains, New York 10601

Re: **Shea v. Village of Pomona and Yagel, 18 cv 11170 (CS)**

Dear Judge Seibel,

At yesterday's court conference in the referenced matter, the Court asked counsel to provide questions for the respective defendants so as to better assess the conflicts in this matter than the status of any waiver of those conflicts. I have sketched below some questions I believe pertinent to this inquiry.

**Questions of Ian Banks:**

Have you ever publicly accused Mr. Yagel of acting in a discriminatory manner?

Have you ever sued the Village?

Have you ever sued Mr. Yagel?

If so, what claims have you raised in such litigation?

What is the status of any such case?

After you became Mayor, did the Village sue Mr. Yagel?

After your election to Mayor, did you offer Ms. Shea back her job?

Did you do this knowing she had been fired by Mr. Yagel?

Did you know in advance that Mr. Yagel was going to terminate Ms. Shea?

Did you express support or oppose that termination after learning of it?

Did you discuss her termination with Ms. Shea and offer any opinion about it?

Did you express any opinion to Robert Klein concerning the treatment he received from the Village during the time Mr. Yagel was Mayor?

Was Mr. Yagel's treatment of Orthodox Jews an issue in your campaign for Mayor in 2019?

Do you waive any conflict which may exist between you and co-defendant Yagel and accept representation by the same counsel as is representing Mr. Yagel?

**Questions of Robert Klein:**

Have you sued the Village of Pomona and/or Mr. Yagel?

What claims have you raised in that suit?

Have you sought Ms. Shea's help in your lawsuit?

Were you on the Village Board when Ms. Shea was terminated?

Did you express support or oppose that termination when it occurred?

Have you expressed an opinion to Ms Shea concerning the treatment she has received?

Are you and the majority of the current Board desirous of resolving this case?

Have you been asked your views on settlement by counsel?

Are you comfortable with the same lawyer representing you as a trustee and representing Mr. Yagel in this lawsuit?

Do you waive any conflict which may exist between you and co-defendants and accept representation by the same counsel as is representing Mr. Yagel?

**Questions of Brett Yagel:**

Are you aware that Mr. Klein has a lawsuit pending against you?

Are you comfortable with the same lawyer representing you, Mr. Klein and current village Board?

During the Mayoral race involving Mr. Banks earlier this year, did you publicly endorse either candidate?


Do you contend that either Mr. Klein or Mr. Banks supported Ms. Shea's non-reappointment or the termination of her employment by the Village?

Are you comfortable being represented by the same counsel as is representing the Village and the Village Board?

Do you waive any conflict which may exist between you and co-defendants and accept representation by the same counsel as is representing the Village?

I believe answers to these questions will elucidate the current situation and continue to contend that defendants must obtain new and separate counsel to avoid what are substantial conflicts as between them pertinent to this case and to avoid current counsel being placed in a position of having and using information damaging to one of his clients against another.

Respectfully submitted,

  
Michael H. Sussman [3497]